

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL. No. 1456

THIS DOCUMENT RELATES TO:
TRACK 2 SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**[REDACTED] ORDER REGARDING CLASS PLAINTIFFS'
MOTION REGARDING DATES RELATED TO FINAL
APPROVAL OF THE TRACK TWO SETTLEMENT**

The Court, having considered Class Plaintiffs' Motion Regarding Dates Related to Final Approval of the Track Two Settlement ("Plaintiffs' Motion"), hereby orders the following:

1. The dates established for events related to the Track Two Settlement in the Court's October 13, 2009 Order (Master Docket No. 6591) are hereby suspended;
2. Class Counsel are ordered to provide the Court with a status report on or before January 15, 2010 regarding the status of notice to Class 1 and receipt of CMS data necessary to effectuate notice to Class 1 consumers;
3. The final approval hearing scheduled for February 3, 2010 is hereby cancelled and will be rescheduled at the appropriate time based on further input from Class Counsel concerning the status of Class 1 notice;
4. A copy of this Order shall be made available on the Track Two Settlement website within 3 business days of entry of this Order; and

5. The Court's continuance of the final approval hearing and the establishment of deadlines shall not extend or effect TPP Settlement Class Members' deadlines to opt-out of the Track Two Settlement and Release, or to file claims. The Court's January 7, 2009 Order Revising Certain Dates Related to the Track Two Settlement set March 16, 2009 as the deadline for TPP Settlement Class Members' to opt-out of the Track Two Settlement. Any TPP who did not opt-out of the Track Two Settlement on or before March 16, 2009 are TPP Settlement Class Members whose claims will be released by the Track Two Settlement and Release.

Dated: 12/15/09


Patti B. Saris
United States District Judge